

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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World Confections, Inc.

Opposer

Mark: ALPINE CONFECTIONS

v.

Opposition No.: 91/158,237

Kencraft Inc.

Application No. 76/362,977

Applicant
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**SUPPLEMENTAL DECLARATION OF MATTHEW COHEN IN SUPPORT OF
OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

Matthew Cohen, declares as follows:

1. I am the President of World Confections, Inc. ("WCI") of 185 30th Street, Brooklyn, New York 11232, the Opposer in the captioned proceeding.
2. I previously filed a declaration, dated July 13, 2004, in support of Opposer's motion for summary judgment. Since filing the prior declaration, additional evidence pertaining to actual confusion has been received by Opposer.
3. I make this supplemental declaration in support of Opposer's motion for summary judgment granting Opposer's opposition to application Ser. No. 76/362977 for the mark ALPINE CONFECTIONS for candy.
4. I have personal knowledge of the facts set forth herein, and if called to testify, could and would testify competently thereto.
5. In the first week of August, 2004, Opposer received a solicitation for a donation from a charitable organization, namely the Sauganash Woman's Club



08-19-2004

Foundation that was addressed to "David Taiclet, Alpine Confections, 185-30th St., Brooklyn, New York 11232." The address is Opposer's address. However, David Taiclet is the President of the Applicant, Kencraft, Inc. Included therein was a note stating that "for many years the Fannie May Stores . . . were supporters of [their] club." Attached was a news clipping with the heading: "Alpine plans to re-open 40 Fannie May outlets." The article mentions the purchase by Alpine Confections (Applicant's parent company) of the Fannie May and Fannie Farmer companies. A copy of the envelope, Note, News clipping, and solicitation letter accompany this supplemental declaration as Exhibit "1".

6. Obviously, the referenced organization is confused and/or mistaken as to the source of origin associated with the term ALPINE CONFECTIONS.

7. The exhibit, and the exhibit from my prior declaration concerning the article in the May-June '04 edition of *Professional Candy Buyer* are indicative of the confusion that would result should the Applicant begin use of the ALPINE CONFECTIONS mark on candy products.

I declare under the penalty of perjury that the foregoing is true and correct and that this Declaration was executed on August 17, 2004.


Matthew Cohen

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing **SUPPLEMENTARY DECLARATION OF MATTHEW COHEN IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY JUDGMENT** in re: World Confections, Inc. v. Kencraft, Inc. Opp. No. 91/158,237 was served on counsel for Applicant, this 17th day of August, 2004, by sending same via First Class Mail, postage prepaid, to:

Todd E. Zenger, Esq.
Kirtan & McConkie
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

DATED: August 17, 2004



John M. Rannells

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202

Date of deposit: AUG. 17, 2004

Name of Applicant, Assignee,
or Registered Representative: JOHN M. RANNELLS

Signature:  _____

Date of Signature: AUG. 17, 2004

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Kencraft Inc.

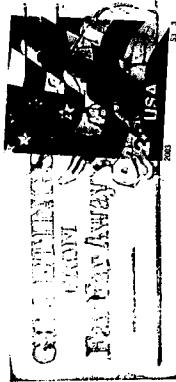
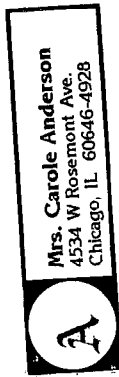
Application No. 76/362,977

Applicant

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EXHIBIT "1"

**To the Supplemental Declaration of Matthew Cohen
In Support of Opposer's Motion for Summary Judgment**



David Fairclat
Alpine Confections
185-30th St.
Brooklyn, N York 11232

11232+1703 bbbbbb

Alpine plans to re-open 40 Fannie May outlets

by MELISSA NIELSEN

More than 40 Fannie May locations in the Chicago area will be back in business under new owners Alpine Confections, including stores in Chicago, Skokie, Lincolnwood and Niles.

Urb-based Alpine Confections bought the bankrupt Fannie May and Fannie Fanner companies with plans to reopen high-performing stores, as well as to open new locations where demand is high, according to an Alpine Confections spokesman.

"Our decisions on which stores to open are based on a mix of business and performance criteria," said Alpine co-president David Taiclet. "Our goal is to build a Fannie May retail chain of strong, popular locations that will enable

Fannie May to thrive for many years to come."

Hiring of part-time and full-time employees has begun, but no preference will be given to former Fannie May employees who lost their jobs when the 84-year-old company folded.

The chocolates will be made using the original ingredients, same supplies and in many cases the same equipment to ensure the quality matches the standards of the chocolates produced by Fannie May.

The initial list of Fannie May stores opening this fall includes 1813 W. Montrose Ave., 10066 N. Skokie Blvd, Skokie, 7001 N. Lincoln Ave., Lincolnwood, and 8534 W. Golf Road, Niles.

Dear Friends,

I'd like to add my personal request to the attached.

Large companies usually have established charity policies that help to create tax savings etc; and they often do support causes that parallel ours, but our small group deserves your consideration.

For over 75 years our club has been diligent and hardworking supporting many great causes. Who else can say they bought guide dogs, sent kids to camp and supported the USO while working within the community?

We're homeowners, parents, consumers, your neighbors - in fact, we are the customers you vie for with your ads. We are the backbone of communities, concerned caring individuals who work to help others.

This year I am the chair of our annual fundraiser and ask..... won't you help?

Sincerely,

Carole

*For many years the Japanese
Stakes and Center have been generous
Our ever supporting of each other.
Thank you for this.*

Sauganash Woman's Club Foundation

5861 North Halsted Avenue

Chicago, Illinois 60646

Gentlemen,

This year the Sauganash Woman's Club Foundation benefit will be held on November 11, 2004. This is our primary fundraiser.

November may seem a long way off, but it's not too soon to start seeking donations to support the success of this event.

Organizations such as yours receive many requests for donations. When I sat down to write this letter I wondered how to make it unique to catch your eye or your heart, and I wanted to tell you who we are and what we do.

For over 75 years our club has supported the community with scholarships, helped stock food pantries, created layettes for New Moms, assisted the homeless and family shelters and gave to the USO. The attached list will help you to know us better. We are your friends, your neighbors and your customers.

We need donations of cash, gift certificates or raffle prizes so that we might continue to support the needs of the community. All donations will be acknowledged and a tax letter provided.

As I observed earlier, it may not be cute or clever, but the needs aren't either. Won't you please consider our request?

We will follow up in approximately two weeks if we have not had the favor of your response.

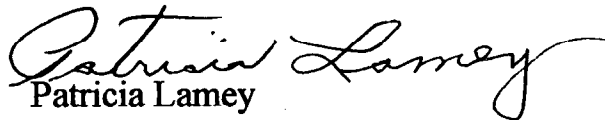
Sincerely,



Carole J. Anderson

Chairman

1-(773)-736-4254



Patricia Lamey

Grand Raffle, Chairman

1-(773)-282-5976

Please note: The Sauganash Woman's Club is guided by IRS code 501[C][3]
"To benefit and indefinite number of people."

These are the legal guidelines, but more importantly we are led by our desire to serve the community.

This list represents a small sampling of organizations our club has supported since its inception in 1926.

Albany Park Food Pantry
American Cancer Society
Boy Scouts of America
Child Serv
Children's Memorial Make a Wish Foundation
Chicago Area Special Olympics
Erie Neighborhood House
Girl Scouts of America
Infants Inc.
Leukemia Research Foundation
Little Brothers of the Poor
Little Sisters of the Poor
Misericordia
New Moms, Inc.
Pacific Garden Missions
Queen of All Saints Church
St. Andrews Home
Salvation Army
Sauganash Community Church

Over the years we have folded bandages for cancer patients, distributed hundreds of personal item packets to nursing homes and over a thousand boxes of clothing and household items to the needy.

This past year, over \$1000.00 of toys, games and books were donated to Children's Memorial Hospital for terminally ill children.

To help New Moms over 150 handmade items including quilts, sweaters and layette items.

Cookies are a holiday must and we've distributed hundreds of bags to those in need.

Erie Neighborhood House received donations of toys, gifts and clothing for the community it serves.

We support the Sauganash Park District Halloween Party.

This year we filled 3000 eggs for the annual Easter Egg Hunt.